IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

WP(C).No. 6618 of 2007(K)

PETITIONER:

SAHIR. C.T., S/O.MOHAMMED,
AGED 25 YEARS, CHEERANTHODI HOUSE,
KUTHUPARAMB, MAITHRA P.O.,
ERNAD TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

1. THE TAHSILDAR, ERNAD.

2. THE DISTRICT COLLECTOR, MALAPPURAM.

3. THE SUB INSPECTOR OF POLICE,
AREACODE POLICE STATION.

4. THE KAVANNUR GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY,
OFFICE OF THE KAVANNUR GRAMA PANCHAYAT,
KAVANNUR, MALAPPURAM DISTRICT.

5. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, TRIVANDRUM.

BY G.P.SMT.T.B.RAMANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

TODAY I HAVE PASSED AN INTERIM ORDER WHICH ACCORDING TO ME GRANTS THE PETITIONER ALL THE RELIEFS WHICH ARE POSSIBLE AT PRESENT. IN VIEW OF THE INTERIM ORDER THIS WRIT PETITION WILL STAND DISPOSED OF.

5.3.2007 SD/- PIUS C.KURIAKOSE , JUDGE.

/TRUE COPY/

P.A. TO JUDGE

PIUS C.KURIAKOSE, J.

W.P.(C)NO.6618 of 2007

Dated this 5th day of March 2007

O R D E R

The learned Government Pleader has not been able to get instructions. However, I am inclined to agree with the counsel for the petitioner who submits that no useful purpose will be served from anybody's point of view by allowing the vehicle and load to remain in the premises of the 3rd respondent. Under these circumstances, there will be an interim order in the following terms:

The petitioner will file an affidavit before the 1st respondent undertaking to produce the lorry having registration No.KL-3A-9988 in good running condition as and when directed in that regard by the 2nd respondent or any other competent authority. The petitioner will remit Rs.10,000/- by cash with the 1st respondent. The 3rd respondent, upon receiving a copy of the affidavit and the original of the cash receipt as directed above, will release the lorry together with load to the petitioner.

It is made clear that release of the lorry and load as directed above will be subject to the outcome of the adjudication proceedings which would be completed by the 2nd respondent at his earliest and at any rate within four months of receiving a copy of this judgment.

PIUS C.KURIAKOSE
Judge

dpk